

Appl. No. 10/615,651  
Amdt. dated May 24, 2006  
Reply to Office Action of February 24, 2006

### REMARKS

Applicant has carefully reviewed the Office Action mailed February 24, 2006, prior to preparing this response. Currently claims 1-11, 13, 14, and 35-39 are pending in the application, wherein claims 1-11, 13 and 35-39 have been rejected and claim 14 has been withdrawn from consideration. Claims 1 and 35 have been amended and new claims 40 and 41 have been added with this amendment. No new matter has been added with these amendments. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claims 1, 11, 13 and 35-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Noone et al., U.S. Patent No. 6,591,472 (hereinafter Noone). Applicant respectfully traverses this rejection.

Claim 1 recites that the step of securing a second polymer segment over the braid layer occurs at a time subsequent to cutting through the braid layer and the inner lubricious liner. Noone at least fails to teach this limitation of claim 1.

As recited in claim 1, the second polymer segment is secured over the braid layer subsequent to cutting through the braid layer and the inner lubricious liner such that the second polymer segment extends over the first polymer segment and extends distally of the cutting position. If the temporal order of these steps were reversed, then it would be counterintuitive to suggest that the second polymer segment would extend distally of the cutting position. The second polymer segment, according to the method claimed in claim 1, may provide a distal portion free of the braid layer extending distally of the braid layer.

As taught in Noone, Step S106 as shown in Figure 2 (or corresponding steps S208, S310, S412, S510 and S610 of alternative embodiments) is identified as the step where the continuous catheter body tubing and mandrel are cut into discrete catheter bodies. As disclosed in Noone, this cutting step is performed at the conclusion of the manufacturing process, just prior to step S108 wherein the shape of the distal catheter section is formed (Noone, column 10, lines 25-31), the mandrel is removed (Noone, column 11, lines 1-2, the catheter body is trimmed (Noone, column 11, lines 2-3), and the catheter body is attached to the proximal connector (Noone, column 11, lines 4-5. Thus, Noone fails to anticipate claim 1. For at least this reason, claim 1, and thus, claims 11 and 13, are believed patentable over Noone.

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Claim 35 recites that the step of securing a polymeric outer segment over at least the securement layer occurs at a time subsequent to removing the inner layer, the reinforcement layer and the securement layer distal of the cutting location. Noone at least fails to teach this limitation of claim 35. As discussed above, Noone fails to teach a method of forming a catheter including the claimed temporal limitations and thus fails to anticipate claim 35. For at least this reason, claim 35 and dependent claims 36-39 are believed patentable over Noone.

As newly presented claim 40 includes similar temporal limitations, claim 40 is also believed patentable over Noone. Therefore, favorable examination of claims 40 and 41 is anticipated.

Claims 2-5, 7 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noone et al., U.S. Patent No. 6,591,472, in view of Wilson, U.S. Patent No. 5,951,929. Applicant respectfully traverses this rejection. Claims 2-5, 7 and 9-10, which depend from claim 1 and include significant additional limitations, are believed similarly patentable over the cited art. Shortcomings of Noone are discussed above regarding claim 1. Wilson fails to remedy the noted shortcomings of Noone. Therefore, a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noone et al., U.S. Patent No. 6,591,472, and Wilson, U.S. Patent No. 5,951,929, in view of Zadno-Azizi, U.S. Patent Publication No. 2004/0015150. Applicant respectfully traverses this rejection. Claim 6, which depends from claim 1 and includes significant additional limitations, is believed similarly patentable over the cited art. Shortcomings of Noone are discussed above regarding claim 1. Neither Zadno-Azizi nor Wilson are believed to remedy the noted shortcomings of Noone. Therefore, a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noone et al., U.S. Patent No. 6,591,472, in view of Ashiya et al., U.S. Patent No. 5,947,925. Applicant respectfully traverses this rejection. Claim 8, which depends from claim 1 and includes significant additional limitations, is believed similarly patentable over the cited art. Shortcomings of Noone are discussed above regarding claim 1. Ashiya fails to remedy the noted shortcomings of Noone. Therefore, a *prima facie* case of obviousness has not been established with the cited combination. Withdrawal of the rejection is respectfully requested.

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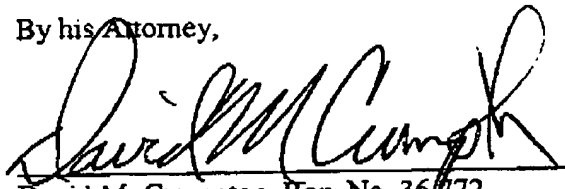
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Pu Zhou

By his Attorney,

Date: 5/24/06



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